

United States Court of Appeals
For the Eighth Circuit

No. 16-3544

United States of America

Plaintiff - Appellee

v.

Jorge Gonzalez

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - Fayetteville

Submitted: April 13, 2017

Filed: April 28, 2017

[Unpublished]

Before RILEY, MURPHY, and SHEPHERD, Circuit Judges.

PER CURIAM.

In this direct criminal appeal, Jorge Gonzalez challenges the sentence the district court¹ imposed following his guilty plea to a drug charge. Gonzalez's counsel

¹The Honorable Timothy L. Brooks, United States District Judge for the Western District of Arkansas.

moves to withdraw, and in a brief submitted under Anders v. California, 386 U.S. 738 (1967), he raises the issue that the sentence was substantively unreasonable. We affirm.

The district court imposed a sentence below the applicable advisory Guidelines range after discussing both mitigating and aggravating facts and circumstances, and after considering sentencing factors under 18 U.S.C. § 3553(a). We conclude the sentence was not substantively unreasonable. See United States v. David, 682 F.3d 1074, 1077 (8th Cir. 2012) (discussing abuse of discretion); United States v. Moore, 581 F.3d 681, 684 (8th Cir. 2009) (per curiam) (explaining, where district court sentenced defendant below the Guidelines range, it is nearly inconceivable that the court abused its discretion in not varying downward further). Having independently reviewed the record pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal.

We affirm, and we grant counsel's motion to withdraw.
